

## ***CITY OF PLEASANT HILL***

(925) 671-5209  
FAX (925) 676-1125

100 Gregory Lane  
Pleasant Hill, CA 94523

# **MINOR VARIANCE**

## **Application Guide**

### **WHAT IS A MINOR VARIANCE?**

Each zoning district in the city's Zoning Ordinance includes various standards regarding building setbacks from the property line, building heights, lot coverage, off-street parking and other physical characteristics of development. There are occasions when the strict application of certain standards may be inappropriate because of special circumstances regarding the property. The variance procedure is intended to permit variations from the normal zoning regulation in cases where special or extraordinary circumstances occur at the property which prevent practical accommodation of the basic land use intended for the zone.

A minor variance is a variance in connection with property within a single family residential district. In the case of minor variances, the Zoning Administrator originally hears the item. This procedure was established by the city to streamline and simplify the variance processing for homeowners.

The purpose of a variance is not to permit a different land use than normally permitted in the applicable zoning district. Rather, the intent is to provide for discretion and flexibility where the strict interpretation of the zoning ordinance would result in a practical difficulty or a unnecessary hardship in carrying out the spirit and purpose of the ordinance.

Inconvenience and financial considerations are not grounds for granting a variance. Since approval of a variance takes time and expense, and must be justified by unique site conditions, you should consider redesigning the project to meet all zoning standards before submitting an application for a variance.

### **WHAT ARE THE SPECIFIC REVIEW CRITERIA FOR A MINOR VARIANCE?**

The Zoning Ordinance requires the City to make specific findings on three issues concerning a variance. Positive findings must be made on the following:

1. The variance is based on the existence of special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification;
2. The variance does not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and
3. The variance substantially meets the intent and purpose of the zoning district in which the property is located.

## **WHAT ARE THE STEPS?**

**Step 1** Preliminary Review - Prior to submittal of a formal application, it is recommended that the applicant discuss the preliminary proposal with staff. The staff can, if requested, respond in writing regarding the project conformity with the Zoning Ordinance, environmental and neighborhood concerns which may be involved, applicable site planning, building design, landscaping, and other criteria.

**Step 2** Filing the Application - Application for a minor variance should be made on the Community Development Department's Application for Development Review form. The application form must be accompanied by the additional supporting materials specified by the Community Development Department, including plans, drawings, and other project description information necessary for adequate review of the proposed action. A filing fee will be required for each Minor Variance application in the amount set by the City Council.

A Community Development Department staff member will be assigned to review the application materials for completeness. Additional information may be required as staff review of the project progresses.

**Step 3** Environmental Review - Because the minor variance provisions in the zoning ordinance only apply to property zoned for single-family use, all applications have been deemed, by the City Council in the City's CEQA guidelines to be categorically exempt (Exemption Classification 15303). Further environmental review, is unnecessary, except in unusual circumstances.

**Step 4** At the public hearing testimony from the applicant and other interested persons will taken. The Zoning Administrator may then close the public hearing and make a decision to approve or deny the request, or may postpone the decision or may continue the public hearing to a later date so that more information can be provided.

After a Zoning Administrator decision is made, that decision will become final within 10 days unless an appeal is filed as described below.

**Step 5** Building Permit Issuance - After 10 days have elapsed from Zoning Administrator approval of the minor variance (i.e., no appeal), and all application approval requirements and related ordinances have been complied with, the City Building Inspector may issue a Building Permit if one is required. The Building Inspector will then work to ensure that the project is completed in compliance with all permits, approved plans and related conditions.

## **WHAT MUST BE SUBMITTED?**

All submittal information required in the General Submittal Requirements Checklist shall be presented including the Application for Development Review form and related fees to the Community Development Department before the application can be accepted as complete. A letter will be sent to the applicant within 30 days indicating whether the application is complete or incomplete (with reasons), along with the name of the planner processing the application.

## **MAY A DECISION BE APPEALED?**

You or anyone else who is dissatisfied with the decision of the Zoning Administrator may appeal that decision to the Planning Commission. To appeal, a written statement, and filing fee must be filed with the Community Development Director within 10 days after the decision is made at a public meeting. A public hearing will then be set before the Planning Commission to consider the appeal. The decision of the Planning Commission can be appealed to the City Council.

If no appeal to a decision is filed within 10 working days, the decision will be considered final.

## **WHEN DOES THE ZONING ADMINISTRATOR MEET?**

The Zoning Administrator holds Public Hearings on the first and third Wednesday of every month, as necessary. These meetings commence at 2:00 p.m. and are held in the City Council Chambers.